ORIGINAL

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United States of America

FILED
08 MAR 11 PM 1:52
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. LOIS BALL, Defendant.	'08 CV 451 L BLM Civil No: ________ COMPLAINT FOR MONEY DAMAGES

For its claim against the above-named defendant, the United States of America alleges:

1. This court has jurisdiction under 28 U.S.C. § 1345.

2. The defendant resides within the court's jurisdiction.

FIRST CAUSE OF ACTION

3. Defendant obtained a student loan totaling $4,000.00, which was insured by the U. S. Department of Education ("DOEd") pursuant to 20 U.S.C. § 1071, et seq.

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MCL:2007A46978/SP

4. Defendant defaulted and the original lender applied to a guaranty agency for reimbursement of its guaranteed loan. On or about July 29, 1988, this claim was paid by the agency which assumed all the lender's rights upon the insured loan. Thereafter, on or about August 25, 1995, DOEd assumed all rights to the claim from the guaranty agency.

5. Pursuant to 34 C.F.R. § 682.202 and/or terms of the promissory note the holder(s) capitalized accrued interest of $318.51 thereby increasing the balance due to $4,318.51 principal.

6. Although demand has been made, defendant has paid no part of the debt.

SECOND CAUSE OF ACTION

7. Defendant obtained a student loan totaling $5,000.00 which was insured by DOEd pursuant to 20 U.S.C. § 1071, et seq.

8. Defendant defaulted and the original lender applied to a guaranty agency for reimbursement of its guaranteed loan. On or about February 6, 1986, this claim was paid by the agency which assumed all the lender's rights upon the insured loan. Thereafter, on or about September 9, 1992, DOEd assumed all rights to the claim from the guaranty agency.

9. Pursuant to 34 C.F.R. § 682.202 and/or the terms of the promissory note the holder(s) capitalized accrued interest of $240.00 by increasing the balance due to $5,239.95 principal.

10. Demand for full payment has made, but the defendant has been credited with only $349.97 from all sources.

WHEREFORE, plaintiff prays for:

1. Judgment against defendant as to the First Cause of Action in the amount of $4,318.51 principal, plus interest at 8.20 percent per annum from July 29, 1988, to the date of entry of judgment.

2. Judgment against defendant as to the Second Cause of Action in the amount of $5,239.95 principal, plus interest at 8 percent per annum from February 6, 1986, to the date of entry of judgment.

3. Interest after judgment at the then-current legal rate, compounded annually until paid in full, pursuant to 28 U.S.C. § 1961(b).

4. Costs of processing and handling this claim pursuant to 31 U.S.C. § 3717(e)(1).

5. Penalty charges pursuant to 31 U.S.C. § 3717(e)(2).

6. Filing fees allowed pursuant to 28 U.S.C. § 2412(a)(2).

7. Costs of suit.

8. Such other relief as the court deems proper.

DATED: 3-10-08

KAREN P. HEWITT
United States Attorney

Mary C. L
MARY C. LUNDBERG
Assistant U. S. Attorney

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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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I. (a) PLAINTIFFS
UNITED STATES OF AMERICA

DEFENDANTS
LOIS BALL

(b) County of Residence of First Listed Plaintiff ______
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant ______
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
KAREN H. HEWITT, U.S. ATTORNEY
Mary C. Lundberg, Assistant U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101 (619) 557-5977

Attorneys (If Known)

DEPUTY

'08 CV 451 L BLM

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- [X] 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- [X] 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders' Suits
- 190 Other Contract
- 195 Contract Product Liability
- 196 Franchise

REAL PROPERTY
- 210 Land Condemnation
- 220 Foreclosure
- 230 Rent Lease & Ejectment
- 240 Torts to Land
- 245 Tort Product Liability
- 290 All Other Real Property

TORTS

PERSONAL INJURY
- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury

PERSONAL INJURY
- 362 Personal Injury - Med. Malpractice
- 365 Personal Injury - Product Liability
- 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

CIVIL RIGHTS
- 441 Voting
- 442 Employment
- 443 Housing/ Accommodations
- 444 Welfare
- 445 Amer. w/Disabilities - Employment
- 446 Amer. w/Disabilities - Other
- 440 Other Civil Rights

PRISONER PETITIONS
- 510 Motions to Vacate Sentence

Habeas Corpus:
- 530 General
- 535 Death Penalty
- 540 Mandamus & Other
- 550 Civil Rights
- 555 Prison Condition

FORFEITURE/PENALTY
- 610 Agriculture
- 620 Other Food & Drug
- 625 Drug Related Seizure of Property 21 USC 881
- 630 Liquor Laws
- 640 R.R. & Truck
- 650 Airline Regs.
- 660 Occupational Safety/Health
- 690 Other

LABOR
- 710 Fair Labor Standards Act
- 720 Labor/Mgmt. Relations
- 730 Labor/Mgmt.Reporting & Disclosure Act
- 740 Railway Labor Act
- 790 Other Labor Litigation
- 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- 422 Appeal 28 USC 158
- 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- 820 Copyrights
- 830 Patent
- 840 Trademark

SOCIAL SECURITY
- 861 HIA (1395ff)
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS
- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- 400 State Reapportionment
- 410 Antitrust
- 430 Banks and Banking
- 450 Commerce
- 460 Deportation
- 470 Racketeer Influenced and Corrupt Organizations
- 480 Consumer Credit
- 490 Cable/Sat TV
- 810 Selective Service
- 850 Securities/Commodities/ Exchange
- 875 Customer Challenge 12 USC 3410
- 890 Other Statutory Actions
- 891 Agricultural Acts
- 892 Economic Stabilization Act
- 893 Environmental Matters
- 894 Energy Allocation Act
- 895 Freedom of Information Act
- 900Appeal of Fee Determination Under Equal Access to Justice
- 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- [X] 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 U.S.C. 1345 Title IV-B of the Higher Education Act of 1964, as amended (20 U.S.C.1071 et. Seq. (34 CFR
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $ $9,558.46
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE 3/11/2008

SIGNATURE OF ATTORNEY OF RECORD
MARY C. LUNDBERG

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

CR